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ZONEPERFECT NUTRITION COMPANY

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

JAMES COLUCCI and KIMBERLY S.  
SETHAVANISH,

Plaintiffs,

vs.

ZONEPERFECT NUTRITION COMPANY,

Defendant.

) CASE NO. 11-CV-04561 EDL

) **STIPULATION FOR EXTENSION OF**  
) **TIME FOR DEFENDANT**  
) **ZONEPERFECT NUTRITION**  
) **COMPANY TO ANSWER, MOVE, OR**  
) **OTHERWISE RESPOND TO THE**  
) **COMPLAINT AND FOR AN**  
) **EXTENDED BRIEFING SCHEDULE**

1 WHEREAS, Plaintiffs filed a Complaint in the above-captioned case on or about September  
2 14, 2011;

3 WHEREAS, on September 14, 2011, the Court entered an order setting initial case  
4 management conference for January 3, 2012;

5 WHEREAS, Defendant has not answered or responsively pled to the Complaint and, per  
6 prior stipulation, the deadline for Defendant to answer, move, or otherwise respond to the Complaint  
7 is November 14, 2011;

8 WHEREAS, the parties would like to exchange information and pursue negotiations and  
9 believe that adjourning the Defendant's deadline would be most efficient, in light of the present  
10 discussions, and would best conserve the resources of both the court and the parties involved.

11 IT IS HEREBY STIPULATED AND AGREED by the parties through their counsel, that the  
12 Defendant shall have until November 30, 2011 (the "Response Date") to answer, move, or otherwise  
13 respond to the complaint, provided, however, that in the event that the Defendant should agree or be  
14 ordered to answer, move, or otherwise respond to a complaint in any subsequently filed case based  
15 on the same allegations as those made by Plaintiffs in the Complaint prior to the Response Date, then  
16 the Defendant shall respond to the Complaint on that same, earlier date. It is further stipulated and  
17 agreed by the parties that the Plaintiff shall have twenty-eight days to serve and file a response or  
18 opposition to any motion filed in response to the complaint; and the Defendant shall have fourteen  
19 days to serve and file a reply to any opposition.

20 IT IS SO STIPULATED.

21 Respectfully submitted,

22 KIRKLAND & ELLIS LLP

23 DATED: November 1, 2011

By: /s/ Elizabeth L. Deeley

24 Elizabeth L. Deeley

25 Attorneys for Defendant  
26 ZONEPERFECT NUTRITION COMPANY  
27  
28

LAW OFFICE OF JANET LINDNER SPIELBERG

DATED: November 1, 2011

By: /s/ Janet Lindner Spielberg

Janet Lindner Spielberg<sup>1</sup>

Attorneys for Plaintiffs  
JAMES COLUCCI and KIMBERLY S.  
SETHAVANISH

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: November 2, 2011

  
The Honorable Elizabeth D. Laporte

<sup>1</sup> I, Elizabeth L. Deeley, am the ECF user whose ID and password are being used to file this Stipulation for Extension of Time for Defendant ZonePerfect Nutrition Company to Answer, Move, or Otherwise Respond to the Complaint. In compliance with General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Janet Lindner Spielberg, counsel for Plaintiffs, James Colucci and Kimberley S. Sethavanish.

**CERTIFICATE OF SERVICE**

The undersigned hereby certify that all counsel of record who have consented to electronic service are being served with a copy of the attached **STIPULATION FOR EXTENSION OF TIME FOR DEFENDANT ZONEPERFECT NUTRITION COMPANY TO ANSWER, MOVE, OR OTHERWISE RESPOND TO THE COMPLAINT AND FOR AN EXTENDED BRIEFING SCHEDULE** via the CM/ECF system on November 1, 2011.

DATED: November 1, 2011

By: /s/ Elizabeth L. Deeley  
Elizabeth Deeley